IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11545 of 2004

Between:

Sanaboyina Suryanarayana, S/o Sriramulu,
R/o Mahadevapatnam, Undi mandal, West Godavari District

..... PETITIONER

AND

1 The Station House Officer, Undi Police Station, West Godavari District
2 The Superintendent of Police, (Rural), W.G.District at Eluru

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction in the nature of mandamus declaring the inaction of the respondents in not investigating into Crime No.100 of 2003 dated 13-7-2003 registered as "Woman Missing Case" in Undi Police Station, W.G.District and not filing the charge sheet against the suspected accused as being illegal, unjust, arbitrary and violative of Art.14 of the Constitution of India and the provisions of Criminal Procedure Code.

Counsel for the Petitioner : MR.E.V.BHAGIRATHA RAO

Counsel for the Respondents : GP FOR HOME

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.11545 OF 2004

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ORAL ORDER :

This writ petition is filed seeking a declaration that the alleged inaction on the part of the respondents in investigating into the Cr.No.100 of 2003, dated 13-07-2003 on the file of the Station House Officer, Undi P.S., West Godavari District as arbitrary and illegal.

The petitioner states that his daughter Smt. Kode Laxmi, was married to one Kode Srinivasa Rao about six years ago and that she begot two children out of their lawful wedlock. However, his son-in-law Srinivasa Rao used to harass his daughter Laxmi and since her whereabouts are not known from 11-07-2003 onwards, he lodged a compliant with the first respondent – Station House Officer, Undi P.S. on 13-07-

2003, on the basis of which Crime No.100 of 2003 was registered as “Woman Missing Case”. The grievance of the petitioner is that the respondents did not take any interest in conducting the investigation into the said crime and no further steps have been taken by them. Hence, this writ petition.

On behalf of the respondents, the Sub-Inspector of Police, Undi P.S., West Godavari District filed a counter-affidavit denying all the allegations made by the petitioner. It is stated that on the basis of the complaint lodged by the complainant/petitioner Cr.No.100 of 2003 was registered on 13-07-2003 and also three witnesses including the petitioner were examined. Thereafter, the said case (Cr.No.100/2003) was transferred to Igravaram P.S., West Godavari district on the point of jurisdiction. However, the said case was returned to Undi P.S. for conducting investigation. While so, on 04-04-2004 the petitioner along with one Kode Ranga Rao, father-in-law of the petitioner’s daughter and two other village elders gave a statement in writing before the first respondent – Station House Officer that his daughter committed suicide due to continuous illhealth subsequent to registration of Cr.No.100 of 2003 and requested the 1st respondent to drop further action on their complaint. The petitioner also stated that he does not suspect any foul play on the part of his son-in-law or any other person with regard to the death of his daughter. Thereupon, the investigating officer examined the petitioner/complainant and other three persons and recorded their statements. The Sub-Inspector of Police has also secured the presence of the husband of late Smt. Kode Laxmi and examined him in detail and recorded his statement on the next day i.e., on 05-04-2004, in which he also stated that his deceased wife committed suicide. In view of the said facts, the then Sub-Inspector of Police, Undi P.S. closed the abovesaid case (Cr.No.100/2003) as ‘action dropped’ and after obtaining permission from the Sub-Divisional Police Officer, Narasapuram, W.G. District, served notice on the complainant/petitioner on 29-06-2004 and filed final report to the above effect before the Court of II-Additional Judicial First Class Magistrate, Bhimavaram on 05-07-2004.

The stand taken by the respondents in their counter-affidavit stood unrebutted since the petitioner did not choose to file any reply affidavit. Having regard to the specific stand taken by the respondents in their counter-affidavit, the alleged inaction on the

part of the respondents is unfounded.

Accordingly, recording the statement of the respondents that final report has already been filed before the concerned Magistrate on 05-07-2004, this Writ Petition is closed. However, this shall not preclude the petitioner to take such proceedings as may be permissible under law in case necessity thereof arises.

No order as to costs.

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18th August, 2004.

Gbs

To

1 The Station House Officer, Undi Police Station, West Godavari District
2 The Superintendent of Police, (Rural), W.G.District at Eluru

3. 2CCs to G.P. for Home, High Court Bldgs, Hyderabad.(OUT).

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